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In re Application of TERZOLI
U.S. Application No.: 10/519,458
PCT Application No.: PCT/IT02/00097
Int. Filing Date: 19 February 2002
Priority Date Claimed: (none)
Attorney Docket No.: 2507-1062
For: IMPROVEMENT OF INTRA-VEIN
(I.V.) BLOOD CATHETER FOR
SUBCUTANEOUS INFUSION OF LIQUIDS
AND/OR DRUGS

DECISION

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)" filed 29 December 2004.

BACKGROUND

On 19 February 2002, applicant filed international application PCT/IT02/00097. A copy of the international application was communicated to the USPTO from the International Bureau on 28 August 2003. The thirty-month period for paying the basic national fee in the United States expired on 19 August 2004.

International application PCT/IT02/00097 became abandoned as to the United States for failure to timely pay the basic national fee.

On 29 December 2004, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 February 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 29 December 2004.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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